

Zoning Administrator Hearing

Minutes



John S. Gendron
Hearing Officer

September 1, 2009 – 1:30 p.m.

View Conference Room, 2nd Floor
55 North Center Street
Mesa, Arizona, 85201

Staff Present

Angelica Guevara
Wahid Alam

Others Present

Ralph Pew Tyler Wright
Larry Pew
Michael Fries
Alex G. Hunt

CASES:

Case No.: ZA09-038

Location: 1564 East Lehi Road

Subject: Requesting: 1) a variance to allow a detached accessory building that exceeds the maximum height permitted, and 2) a variance and Special Use Permit to allow a detached accessory living quarters that encroaches into the required rear yard setback both in the R1-43 zoning district.

Decision: Approved with conditions

- 1. Compliance with the site plan submitted.*
- 2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits if requested.*

Summary: Ralph Pew represented the case for property owner, Larry Pew. Mr. Pew explained that this property was heard previously by the Zoning Administrator for a different request. The owner is now asking for approval of 2 more items that create nonconforming issues. Mr. Gendron asked when these structures were constructed and if it pre-dated annexation? The owner replied that the house is approximately 40+ years old and the accessory building was constructed about 8 - 10 years ago. Mr. Gendron asked if a building permit had been obtained for the accessory structure, Mr. Pew replied no. Wahid Alam provided a brief staff report and recommendation. Mr. Gendron clarified to the owner that the accessory living quarters cannot be leased or rented and that he must obtain a building permit for the accessory building. Mr. Gendron approved the request with conditions per the staff report.

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Finding of Fact:

- 1.1** The subject accessory living quarters is approximately 1,555 square feet and has existed on the property since the late 1960s, before the property was annexed in to the City of Mesa.
- 1.2** The request is to bring the existing accessory living quarters into conformance with the current City of Mesa Zoning Ordinance.
- 1.3** Also, there is an existing detached accessory structure on the property that is approximately 19 feet high, which exceeds the maximum height allowed for detached accessory structures by approximately 3 feet. This is a shade structure used for storage of hay and other miscellaneous farm equipment and is located at the rear of the property, adjacent to the northern property line.
- 1.4** City of Mesa Zoning Ordinance 11-13-2(B) (8) states "In all residence districts, a detached accessory building shall not have an aggregate area of all such detached buildings greater than 50% of the roof area of dwelling or dwellings except in the R1-90 and R1-43 Districts where the aggregate roof area of accessory structures shall not exceed 100% of a dwelling."
- 1.5** The primary dwelling unit has a roof area of 6,755 square feet and is zoned R1-43, which can have a detached accessory building equal to the roof area of the primary dwelling.
- 1.6** The total roof area of all existing detached accessory buildings, including the mother-in-law quarters and equestrian shade structures is 11,355 square feet.
- 1.7** The mother-in-law suite is 1,555 square feet; a covered carport is 800 square feet and multiple shade structures for horses and feed for a total of 9,000 square feet.
- 1.8** The subject property is 5.7 acres in area. The R1-43 zoning district requires only one acre minimum with semi-rural residential and agricultural uses. The subject property is an oversized lot in a rural neighborhood with large lots. The neighboring lot to the north is 8.7 acres.
- 1.9** The roof coverage for the entire lot including primary dwelling unit, detached accessory structures and the proposed barn will be 21,632 square feet or 9% lot coverage. This is below the maximum lot coverage permitted in the R1-43 zoning district.
- 1.10** Per the City of Mesa Zoning Ordinance 11-18-4 (B) 6(c) Special Use Permits may be granted upon a finding that the use covered by the permit, the manner of the conducting the same, and any use or building which is involved will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.
- 1.11** The existing accessory living quarters has established compatibility with surrounding properties by the fact that it has existed on the property for over 40 years without complaints from adjacent neighbors. The use of the structure as accessory living quarters, the location of the building, access to the building including its historical presence demonstrate that it is not detrimental to neighbors or the public in general and it is compatible with existing uses in the area.

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- 1.12** The applicant purchased the property in its current configuration. The lot size and configuration was pre-existing and not created by the current owner.
- 1.13** The existing shade structure for hay storage and farm equipment is consistent with the neighborhood and especially with the large structure located north of the subject property. The additional height of 4 feet more than 15 feet maximum per current code is required for farm equipment and hay storage, which is typical height of shade structures for farm activities.

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Case No.: ZA09-039

Location: 3660 East University Drive

Subject: Requesting a Special Use Permit (SUP) to allow a commercial communication tower to exceed the maximum height permitted in the O-S zoning district.

Decision: Approved with the following conditions.

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *The monopalm shall have a maximum height of sixty-five feet (65') at the top of the pole and top of the antennas, the palm fronds will extend to seventy-feet (70') to the top of the palm fronds.*
3. *The size of the antennas shall not exceed 4'-4" in length, 1'-2" in width and 4" in depth.*
4. *The antennas shall be painted to match the color of the palm fronds.*
5. *The antenna standoff assembly shall not extend more than 18" from the pole.*
6. *The west side of the 8' high screen wall shall be moved approximately 3' to 4' to the east to line up with the curb to eliminate the encroachment of the existing landscape area adjacent to the west property line.*
7. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
8. *Replace the wood slats on the gate with a durable, low-maintenance material painted to match the screen wall to comply with 11-15-4.*
9. *Compliance with all requirements of the Building Safety division with regard to the issuance of building permits.*

Summary: Mr. Gendron asked Michael Fries, who represented the case, what type of facility this project will be. He also asked if there was any existing verticality or opportunities for co-locations in the area. Mr. Fries replied that those avenues had been researched, but there was nothing that met the coverage holes. Angelica Guevara provided the staff report and recommendation. Mr. Gendron approved the request with the nine conditions of approval noted in the staff report.

Finding of Fact:

- 1.1 The Special Use Permit (SUP) allows for the placement of a 65-foot high monopalm in an existing office development.
- 1.2 The applicant has notified all property owners within 300-feet of the request and no comments of concerns have been received from the neighbors.
- 1.3 The monopalm will be 65-feet high resembling a date palm with the top of the palm fronds extending to 70-feet. The array of the monopalm consists of three sectors, each with two antennas, for a total of six. The antennas will be 4'-4" in length by 1'-2" wide and 4" deep.

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- 1.4** The exhibits indicate that a minimum of 60 faux date palm fronds will be provided. A condition of approval has been added requiring the antennas be painted to match the color of the fronds. Faux bark along the entire length of the exposed trunk of the 26" diameter pole will be used to disguise the stealth pole, making the monopalm appear more realistic. There five equipment cabinets that will be enclosed within an 8' high screen wall. The elevation drawing shows a wrought iron gate with wood slats. Wood slats are not allowed and shall be replaced with a durable, low-maintenance material painted to match the screen wall as a condition of approval.
- 1.5** The applicant's narrative indicates that this location is preferred by AT&T to expand their existing network and provide the surrounding area wireless service. The location was chosen due to the city's requirements and minimal impact to the surrounding community. As a condition of approval, the 8' high screen wall will be located as indicated as indicated on the topographical survey provided and dated 8/3/09 showing the west end of the lease area lining up with the curb and west end of the covered parking canopy, approximately 3' to 4' to the east. This condition will reduce the encroachment on the existing landscape area adjacent to the west property line. A condition has been added requiring all dead or missing landscape materials and landscaped areas to be replaced in accordance with the approved landscape plan. This condition includes the existing barren landscape areas.
- 1.6** The approved monopalm complies with the Commercial Communications Towers Guidelines in that it is approximately 153-feet from the right-of-way, where only 65-feet are required. In addition, the approved monopalm is approximately 400-feet from the adjacent residences to the east and approximately 270-feet from the adjacent residences to the south where only 130-feet are required.
- 1.7** A communication tower and equipment lease area will be located at the rear off the site within the parking area. This will eliminate three existing parking spaces. The applicant has provided parking calculations demonstrating an excess of 13 spaces at the site.
- 1.8** The visibility of the proposed monopalm will be minimized due to increased setbacks from the right-of-way and adjacent residences. In addition, the materials used to conceal the antennas will also minimize its visibility. As a result, the proposed monopalm will be compatible with and not detrimental to adjacent properties or the neighborhood in general.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 1:56 p.m.

The cases for this hearing were digitally recorded and are available upon request.

Respectfully submitted,

John S. Gendron
Hearing Officer

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